

JEN-0005Z

EXPRESS MAIL LABEL NO.: EL380642018US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of : CARLINO PANZERA ET AL
For: METHOD OF MANUFACTURE OF DENTAL PORCELAIN
HAVING SMALL LEUCITE CRYSTALLITES

jc662 U.S. PTO
09/460951
12/14/99



INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.56, 1.97 AND 1.98

The Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with the duty to disclose, applicants herein apprise the Patent Office of prior art in a parent U.S. application from which this application obtains the benefit of an earlier filing date under 35 U.S.C. § 120. The Serial Number of the parent application is USSN 08/870,965 entitled TWO-PHASE DENTAL PORCELAIN COMPOSITION. The publications cited therein are listed on attached Form PTO-1449.

In accordance with 37 CFR § 1.98 (d) copies of the listed publications are not required.

Applicants note that the assignee of the instant patent application, Jeneric/Pentron, Inc., is currently a party in litigation entitled Jeneric/Pentron, Inc. v. Dillon Company, Inc. and Chemichl, Inc. in the United States District Court for the District of Connecticut, Case No. 398-CV-00818(EBB). During the course of this litigation, Chemichl, Inc. (a supplier to Dillon) has asserted that prior to the filing date of the instant application, they distributed in the United States a porcelain dental product, LF-1-PFM, having the formulae shown in

Appendix A, and having leucite crystallites possessing diameters of less than 10 microns. Applicants submit herewith a copy of the 1995 Wholesale Price List of Dental Ceramics & Related Laboratory Products of Chemichl, Inc. At page 1, paragraph 4, of the 1995 Wholesale Price List, Chemichl Inc.'s ceramics are described as exhibiting an average leucite crystal dimension of 3 microns.

In order to ascertain whether the advertised LF-1-PFM product allegedly sold in the United States in 1995 in fact possessed crystallites having diameters not exceeding about 10 microns, Jeneric/Pentron Inc. engaged Dr. Richard D. Sisson to evaluate scanning electron micrographs of the 1995 LF-1-PFM product. The results of this evaluation are provided in the enclosed Declaration, wherein Dr. Sisson has concluded that the LF-1 PFM product of Chemichl, Inc., as distributed in 1995, does not exhibit crystallites wherein the crystallites possess diameters not exceeding about 10 microns.

Consideration of this Information Disclosure Statement is respectfully requested, since the Examiner may consider the information provided herein material to the patentability of the subject application as defined in 37 CFR § 1.56.

Since this Information Disclosure Statement is being filed within three months of the filing date of the subject application, no fee or certification under 37 CFR § 1.97 (e) is required.

However, in the event the Commissioner of Patents deems that any fee is required under 37 CFR §§ 1.16 and 1.17 in connection with this application, applicants' attorneys authorize that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CARLINO PANZERA ET AL.

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APPENDIX A

Composition of Chemichl's LF-1-PFM Product	
Compound	Weight %
SiO ₂	61.8
Al ₂ O ₃	11.5
K ₂ O	10.9
Na ₂ O	9.4
Li ₂ O	0.6
CaO	1.9
F	0.3
CeO ₂	1.6
B ₂ O ₃	0.7
BaO	0.6
TiO ₂	0.7
P ₂ O ₅	0.1